



General Assembly

Substitute Bill No. 6676

January Session, 2003

**AN ACT CONCERNING PUBLIC HEALTH EMERGENCY RESPONSE
AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 10,
2 inclusive, of this act, and section 19a-221 of the general statutes, as
3 amended by this act:

4 (1) "Animal" means all vertebrate and invertebrate species;

5 (2) "Bioterrorism" means the intentional use of any microorganism,
6 virus, infectious substance or biological product that may be
7 engineered as a result of biotechnology, or any naturally occurring or
8 bioengineered component of any such microorganism, virus, infectious
9 substance, or biological product, to cause death, disease or other
10 biological malfunction in a human, animal, plant or another living
11 organism in order to influence the conduct of government or to harm,
12 intimidate or coerce a civilian population;

13 (3) "Commissioner" means Commissioner of Public Health;

14 (4) "Communicable disease" means a disease or condition, the
15 infectious agent of which may pass or be carried, directly or indirectly,
16 from the body of one person or animal to the body of another person
17 or animal;

18 (5) "Contaminated" or "contamination" means contaminated or
19 contamination by a biological toxin or a chemical, radioactive or any
20 other substance sufficient to pose a substantial risk of death, disability,
21 injury or harm to other persons;

22 (6) "Isolation" means the physical separation and confinement of an
23 individual, group of individuals or individuals present within a
24 geographic area who are infected with a communicable disease or are
25 contaminated, or whom the commissioner reasonably believes to be
26 infected with a communicable disease or to be contaminated, in order
27 to prevent or limit the transmission of the disease to the general public;

28 (7) "Public health authority" means a person or entity authorized to
29 respond to a public health emergency in accordance with the plan for
30 emergency responses to a public health emergency prepared in
31 accordance with section 8 of this act, including, but not limited to,
32 licensed health care providers or local and district health directors;

33 (8) "Public health emergency" means an occurrence or imminent
34 threat of a communicable disease, except sexually transmitted disease,
35 or contamination caused or believed to be caused by bioterrorism, an
36 epidemic or pandemic disease, a natural disaster, a chemical attack or
37 accidental release or a nuclear attack or accident that poses a
38 substantial risk of a significant number of human fatalities or incidents
39 of permanent or long-term disability;

40 (9) "Quarantine" means the physical separation and confinement of
41 an individual, group of individuals or individuals present within a
42 geographic area who are exposed to a communicable disease, or whom
43 the commissioner reasonably believes have been exposed to a
44 communicable disease or have been exposed to others who have been
45 exposed to a communicable disease, to prevent transmission to the
46 general public;

47 (10) "Respondent" means an individual ordered isolated or
48 quarantined under section 19a-221 of the general statutes, as amended
49 by this act, or section 3 of this act.

50 Sec. 2. (NEW) (*Effective from passage*) (a) In the event of a state-wide
51 or regional public health emergency, the Governor shall make a good
52 faith effort to consult with the legislative leaders specified in
53 subsection (b) of this section before declaring that the emergency exists
54 and may do any of the following: (1) Order the commissioner to
55 implement all or a portion of the public health emergency response
56 plan developed pursuant to section 8 of this act; (2) authorize the
57 commissioner to isolate or quarantine persons in accordance with
58 section 3 of this act; (3) order the commissioner to vaccinate persons in
59 accordance with section 6 of this act; or (4) apply for and receive
60 federal assistance.

61 (b) (1) Any declaration issued pursuant to this section shall become
62 effective upon its filing with the Secretary of the State and with the
63 clerks of the House of Representatives and Senate. The declaration
64 shall state the nature of the public health emergency, the political
65 subdivisions or geographic area subject to the declaration, the
66 conditions that have brought about the public health emergency, the
67 duration of the public health emergency and the public health
68 authority responding to the emergency. Any such declaration issued
69 by the Governor may be disapproved and nullified by majority vote of
70 a joint legislative committee consisting of the president pro tempore of
71 the Senate, the speaker of the House of Representatives, the majority
72 and minority leaders of both houses of the General Assembly and the
73 cochairpersons and ranking members of the joint standing committee
74 of the General Assembly having cognizance of matters relating to
75 public health. Such disapproval shall not be effective unless filed with
76 the Secretary of the State not later than seventy-two hours after the
77 filing of the Governor's declaration with the Secretary of the State.

78 (2) Any declaration issued pursuant to this section may be renewed
79 by the Governor upon its filing with the Secretary of the State and with
80 the clerks of the House of Representatives and Senate. The renewal
81 declaration shall state the nature of the continuing public health
82 emergency, the political subdivisions or geographic area subject to the
83 renewal, the conditions that have brought about the renewal

84 declaration, the duration of the renewal declaration and the public
85 health authority responding to the public health emergency. Any such
86 renewal declaration issued by the Governor may be disapproved and
87 nullified by majority vote of a joint legislative committee consisting of
88 the legislative leaders specified in subsection (b) of this section. Such
89 disapproval shall not be effective unless filed with the Secretary of the
90 State not later than seventy-two hours after the filing of the Governor's
91 renewal declaration with the Secretary of the State.

92 (3) The Governor shall declare a public health emergency to be
93 terminated before the duration stated in the declaration, upon a
94 finding, after consultation with the legislative leaders specified in
95 subsection (b) of this section, that the circumstances that caused such
96 emergency to be declared no longer pose a substantial risk of a
97 significant number of human fatalities or incidents of permanent or
98 long-term disability.

99 (c) Any declaration or order issued pursuant to the provisions of
100 this section shall be (1) published in full at least once in a newspaper
101 having general circulation in each county, (2) announced on radio and
102 television stations located in this state, including utilization of the
103 Emergency Alert System established by the Federal Communications
104 Commission, and (3) posted on the state Internet web site. Failure to
105 take the actions specified in subdivisions (1) to (3), inclusive, of this
106 subsection shall not impair the validity of such declaration or order.

107 (d) Any individual who, during the course of a public health
108 emergency declared under this section, violates the provisions of any
109 order issued pursuant to sections 1 to 10, inclusive, of this act, or who
110 intentionally obstructs, resists, hinders or endangers any person who is
111 authorized to carry out, and who is engaged in an activity that carries
112 out, any of the provisions of the order shall be fined not more than one
113 thousand dollars or imprisoned not more than one year, or both, for
114 each offense.

115 (e) The commissioner may request the Attorney General to apply to

116 the Superior Court for an order enforcing the provisions of any order
117 issued by the commissioner pursuant to sections 1 to 10, inclusive, of
118 this act, and such other equitable relief as the court deems appropriate.

119 (f) The commissioner may delegate to an employee of the
120 Department of Public Health or any local health director, as much of
121 the authority of the commissioner described in this section as the
122 commissioner determines appropriate. Such authorized employee or
123 director shall act as an agent of the commissioner.

124 Sec. 3. (NEW) (*Effective from passage*) (a) Notwithstanding the
125 provisions of section 19a-221 of the general statutes, as amended by
126 this act, or 19a-265 of the general statutes, if the Governor has declared
127 a public health emergency, the commissioner, if so authorized by the
128 Governor pursuant to section 2 of this act, may order into quarantine
129 or isolation, as appropriate, any individual, group of individuals or
130 individuals present within a geographic area whom the commissioner
131 has reasonable grounds to believe to be infected with a communicable
132 disease or to be contaminated or at reasonable risk of having a
133 communicable disease or being contaminated or passing such
134 communicable disease or contamination to other persons if the
135 commissioner determines that such individual or individuals pose a
136 significant threat to the public health and that quarantine or isolation is
137 necessary and the least restrictive alternative to protect or preserve the
138 public health. No individual or group of individuals or individuals
139 present in a geographic area shall be quarantined or isolated unless
140 they meet the conditions in this subsection.

141 (b) The commissioner shall adhere to the following conditions and
142 principles when quarantining or isolating individuals, groups of
143 individuals or individuals present within a geographic area: (1)
144 Quarantine and isolation shall be by the least restrictive means
145 necessary to prevent the spread of a communicable disease or
146 contamination to others and may include, but not be limited to,
147 confinement to private homes or other private or public premises; (2)
148 quarantined individuals shall be confined separately from isolated

149 individuals; (3) the health status of quarantined or isolated individuals
150 shall be monitored frequently to determine if they continue to require
151 quarantine or isolation; (4) if a quarantined individual subsequently
152 becomes infected or contaminated or is reasonably believed to have
153 become infected with a communicable disease or contaminated, such
154 individual shall be promptly moved to isolation; (5) quarantined or
155 isolated individuals shall be immediately released when they are no
156 longer infectious or capable of contaminating others or upon the order
157 of a court of competent jurisdiction; (6) the needs of individuals
158 quarantined or isolated shall be addressed in a systematic and
159 competent fashion, including, but not limited to, providing adequate
160 food, clothing, shelter, means of communication with those in
161 quarantine or isolation and outside those settings, medication and
162 competent medical care; (7) premises used for quarantine and isolation
163 shall be maintained in a safe and hygienic manner and be designed to
164 minimize the likelihood of further transmission of infection or other
165 harms to individuals quarantined or isolated; (8) to the extent possible
166 without jeopardizing the public health, family members and members
167 of a household shall be kept together, and guardians shall stay with
168 their minor wards; and (9) to the extent possible, cultural and religious
169 beliefs shall be considered in addressing the needs of individuals and
170 establishing and maintaining premises used for quarantine and
171 isolation.

172 (c) An order to quarantine or isolate issued by the commissioner
173 shall be in writing and shall include: (1) The name of any individual,
174 group of individuals or individuals present within a geographic area
175 to be quarantined or isolated, or the geographic area where such
176 communicable disease is present or contamination exists; (2) the basis
177 for the commissioner's belief regarding the presence of a
178 communicable disease or that contamination exists within the
179 geographical area; (3) the period of time during which the order shall
180 remain effective; (4) the premises subject to quarantine or isolation,
181 that may include, but need not be limited to, private homes or other
182 private or public premises; and (5) other terms and conditions as may

183 be necessary to protect and preserve the public health. In determining
184 the length of such order, the commissioner shall consider, to the extent
185 known, the length of incubation of the communicable disease or
186 contamination, the date of the individual's exposure and the
187 individual's medical risk of exposing others to such communicable
188 disease or contamination. The order shall be effective for not more
189 than twenty days, provided further orders of quarantine or isolation
190 pursuant to this section may be issued as to any respondent for
191 successive periods of not more than twenty days if issued before the
192 last business day of the preceding period of quarantine or isolation.

193 (d) Such order shall also inform the individuals quarantined or
194 isolated that they have the right to consult an attorney, the right to a
195 hearing pursuant to this section, and that if such a hearing is
196 requested, such individual has the right to be represented by counsel,
197 and that counsel will be provided at the state's expense if such
198 individual is unable to pay for such counsel. A copy of the order shall
199 be provided to each individual quarantined or isolated or notice of the
200 order shall be provided by a means likely to reach those affected.

201 (e) Any individual subject to a quarantine or isolation order under
202 this section shall be confined in a place designated by the
203 commissioner until such time as the commissioner determines such
204 individual is no longer infectious or capable of contaminating others,
205 or is released by order of a court of competent jurisdiction for the
206 district in which such individual is isolated or quarantined. Any
207 individual who desires treatment by prayer or spiritual means without
208 the use of any drugs or material remedies, but through the use of the
209 principles, tenets or teachings of any church incorporated under
210 chapter 598 of the general statutes, or any other religious or spiritual
211 practice, may be so treated during such individual's quarantine or
212 isolation.

213 (f) An individual subject to a quarantine or isolation order under
214 this section may appeal such order to the Probate Court for the district
215 in which such person is quarantined or isolated and, if such individual

216 or such individual's representative makes application to the court
217 requesting a hearing, such hearing shall be held not later than seventy-
218 two hours after receipt of such request, excluding Saturdays, Sundays
219 and legal holidays. The court may extend the time for a hearing based
220 on extraordinary circumstances. If such individual cannot appear
221 personally before the court, a hearing shall be conducted only if his or
222 her representative is present. The commissioner shall be a party to the
223 proceedings. Such hearing may be held via any means that allows all
224 parties to fully participate in the event an individual may infect or
225 contaminate others. A request for a hearing shall not stay the order of
226 quarantine or isolation issued by the commissioner under this section.
227 The hearing shall concern, but need not be limited to, a determination
228 of whether (1) the individual ordered confined is infected with a
229 communicable disease or is contaminated or has a reasonable risk of
230 having a communicable disease or having been contaminated or
231 passing a communicable disease or contamination to other individuals,
232 (2) the individual poses a reasonable threat to the public health, and (3)
233 the quarantine or isolation of the individual is necessary and the least
234 restrictive alternative to prevent the spread of a communicable disease
235 or contamination to others in order to protect and preserve the public
236 health.

237 (g) Notice of the hearing shall be given to the respondent and shall
238 inform the respondent that his or her representative has a right to be
239 present at the hearing; that the respondent has a right to counsel; that
240 the respondent, if indigent or otherwise unable to pay for or obtain
241 counsel, has a right to have counsel appointed to represent the
242 respondent; and that the respondent has a right to cross-examine
243 witnesses testifying at the hearing. If the court finds such respondent is
244 indigent or otherwise unable to pay for or obtain counsel, the court
245 shall appoint counsel for such respondent, unless such respondent
246 refuses counsel and the court finds that the respondent understands
247 the nature of his or her refusal. The court shall provide such
248 respondent a reasonable opportunity to select such respondent's own
249 counsel to be appointed by the court. If the respondent does not select

250 counsel or if counsel selected by the respondent refuses to represent
251 the respondent or is not available for such representation, the court
252 shall appoint counsel for the respondent from a panel of attorneys
253 admitted to practice in this state provided by the Probate Court
254 Administrator. If the order of quarantine or isolation applies to
255 individuals present in a described geographic area, the court may
256 appoint one or more attorneys to represent all the individuals present
257 in the described geographic area where there is a commonality of
258 interests of such individuals, except that an individual may choose to
259 be represented by his or her own attorney on an individual basis. The
260 reasonable compensation of appointed counsel shall be established by,
261 and paid from funds appropriated to, the Judicial Department, but, if
262 funds have not been included in the budget of the Judicial Department
263 for such purposes, such compensation shall be established by the
264 Probate Court Administrator and paid from the Probate Court
265 Administration Fund.

266 (h) Prior to such hearing, the Probate Court, such respondent or
267 such respondent's counsel and the commissioner shall be afforded
268 access to all records including, but not limited to, hospital records if
269 such respondent is hospitalized, and shall be entitled to take notes
270 therefrom. If such respondent is hospitalized at the time of the hearing,
271 the hospital, upon order of the Probate Court, shall make available at
272 such hearing for use by the respondent or his or her counsel all records
273 in its possession relating to the condition of the respondent. All records
274 relating to the condition of the respondent shall be admissible at the
275 request of any party or the Probate Court at the hearing. Nothing in
276 this subsection shall prevent timely objection to the admissibility of
277 evidence in accordance with the rules of civil procedure.

278 (i) The court shall cause a recording of the testimony at such hearing
279 to be made, to be transcribed only in the event of an appeal from the
280 order rendered. A copy of such transcript shall be furnished without
281 charge to any appellant whom the Probate Court finds unable to pay
282 for the same. The cost of such transcript shall be paid from the funds
283 appropriated by the Judicial Department, but, if funds have not been

284 included in the budget of the Judicial Department for such purposes,
285 the cost of such transcription shall be established by the Probate Court
286 Administrator and paid from the Probate Court Administration Fund.

287 (j) If the court, at such hearing, finds that the respondent is infected
288 with a communicable disease or is contaminated, or may have been
289 exposed to a communicable disease or to contamination, or is at
290 reasonable risk of having a communicable disease or having been
291 contaminated and poses a reasonable threat to the public health and
292 that quarantine or isolation of the respondent is necessary and the least
293 restrictive alternative to protect and preserve the public health, it shall
294 order (1) the continued quarantine or isolation of the respondent under
295 such terms and conditions as the court deems necessary to prevent the
296 exposure of others to a communicable disease or contamination, until
297 such time as it is determined by the commissioner that release of the
298 respondent would not constitute a reasonable threat to the public
299 health, or (2) the release of the respondent under such terms and
300 conditions as it deems appropriate to protect the public health.

301 (k) If the court, at such hearing, fails to find that the conditions
302 required for an order for quarantine or isolation under subsection (a)
303 of this section have been proven, it shall order the immediate release of
304 the respondent.

305 (l) A respondent may, not more than every thirty days, move the
306 court to terminate or modify an order made under subsection (j) of this
307 section, in which case a hearing shall be held in accordance with this
308 section. If the court, at a hearing held upon motion of the respondent
309 or its own motion, fails to find that the conditions which required
310 quarantine or isolation still exist, it shall order the immediate release of
311 the respondent. If the court finds that such conditions still exist but
312 that a different remedy is appropriate under this section, the court
313 shall modify its order accordingly.

314 (m) Any person aggrieved by an order of the Probate Court under
315 this section may appeal to the Superior Court. The appeal shall be

316 confined to the record, which shall consist of the transcript of the
317 hearing and all evidence received or considered by the Probate Court.

318 Sec. 4. (NEW) (*Effective from passage*) Notwithstanding the provisions
319 of section 19a-220 of the general statutes, as amended by this act, in the
320 event of a public health emergency declared by the Governor under
321 section 2 of this act, if any individual refuses to obey an order of
322 quarantine or isolation issued by the commissioner pursuant to section
323 3 of this act, the commissioner may direct any law enforcement officer
324 to immediately take such individual into custody and place him or her
325 into quarantine or isolation, as the case may be. The commissioner
326 shall notify the law enforcement officer or other personnel concerning
327 any necessary infection control procedures required.

328 Sec. 5. (NEW) (*Effective from passage*) Entry into quarantine or
329 isolation premises shall be limited to authorized individuals. The
330 authorized individuals shall be determined by the commissioner, and
331 shall include, but need not be limited to, any physician licensed under
332 chapter 370 of the general statutes, other licensed, certified or
333 registered health care providers or other individuals the commissioner
334 deems necessary to meet the needs of quarantined or isolated
335 individuals.

336 Sec. 6. (NEW) (*Effective from passage*) (a) In the event of a public
337 health emergency declared by the Governor under section 2 of this act,
338 the commissioner, as authorized by the Governor pursuant to section 2
339 of this act, may issue an order for the vaccination of such individuals
340 or individuals present within a geographic area as the commissioner
341 deems reasonable and necessary in order to prevent the introduction
342 or arrest the progress of the communicable disease or contamination
343 that caused the declaration of such public health emergency, provided
344 the commissioner shall inform such individuals of the benefits and
345 risks of the vaccine, and of the availability of exemptions for health,
346 religious or conscientious objections, and such individuals, or, in the
347 case of minors, the parent or guardian, shall provide written consent
348 prior to being vaccinated.

349 (b) The commissioner may issue an order pursuant to section 3 of
350 this act to quarantine or isolate, as the case may be, any individual or
351 group of individuals who is unable or unwilling for reasons of health,
352 religion or conscience to undergo vaccination pursuant to this section.
353 A parent or legal guardian may refuse such vaccination on behalf of a
354 minor in the case where an order of vaccination requires a minor to be
355 vaccinated. For purposes of this subsection, a minor is any person
356 under the age of eighteen. Refusal of such vaccination shall not be
357 grounds for quarantine or isolation without a reasonable belief that the
358 individual or group of individuals is infected with a communicable
359 disease or is contaminated, or may be exposed or become exposed to a
360 communicable disease or contamination, or may have been exposed to
361 a communicable disease or to contamination, or is at reasonable risk of
362 having a communicable disease or having been contaminated, and
363 poses a reasonable threat to the public health.

364 (c) Any individual subject to vaccination pursuant to this section
365 may appeal to the Probate Court for the district in which such
366 individual has been ordered vaccinated, and, if such individual or such
367 individual's representative makes application to the court requesting a
368 hearing, such hearing shall be held not later than seventy-two hours
369 after receipt of such request, excluding Saturdays, Sundays and legal
370 holidays. Such request shall be received by the Probate Court not later
371 than forty-eight hours after the individual receives the order. The
372 commissioner may make application to the court to extend the time for
373 a hearing based on extraordinary circumstances. In considering
374 whether to grant such extension, the court shall give due regard to the
375 rights of affected individuals, the protection of the public's health, the
376 severity of the need and available witnesses and evidence. If such
377 individual cannot appear personally before the court, a hearing shall
378 be conducted only if his or her representative is present. The
379 commissioner shall be a party to the proceedings. The hearing may be
380 held via any means that allow all parties to fully participate in the
381 event an individual may infect or contaminate others.

382 (d) Notice of the hearing shall be given to the respondent and shall

383 inform the respondent that such respondent or his or her
384 representative has a right to be present at the hearing; that the
385 respondent has a right to counsel; that the respondent has the right to
386 present testimony from a licensed practitioner of the healing arts, as
387 defined in section 20-1 of the general statutes; that the respondent, if
388 indigent or otherwise unable to pay for or obtain counsel, has a right to
389 have counsel appointed to represent the respondent; and that the
390 respondent has a right to cross-examine witnesses testifying at the
391 hearing. If the court finds such respondent is indigent or otherwise
392 unable to pay for or obtain counsel, the court shall appoint counsel for
393 such respondent, unless such respondent refuses counsel and the court
394 finds that the respondent understands the nature of his or her refusal.
395 The court shall provide such respondent a reasonable opportunity to
396 select such respondent's own counsel to be appointed by the court. If
397 the respondent does not select counsel or if counsel selected by the
398 respondent refuses to represent such respondent or is not available for
399 such representation, the court shall appoint counsel for the respondent
400 from a panel of attorneys admitted to practice in this state provided by
401 the Probate Court Administrator. If the order of vaccination applies to
402 individuals present in a described geographic area, the court may
403 appoint one or more attorneys to represent all the individuals present
404 within the described geographic area where there is a commonality of
405 interests of such individuals, except that an individual may choose to
406 be represented by his or her own attorney on an individual basis. The
407 reasonable compensation of appointed counsel shall be established by,
408 and paid from funds appropriated to, the Judicial Department, but, if
409 funds have not been included in the budget of the Judicial Department
410 for such purposes, such compensation shall be established by the
411 Probate Court Administrator and paid from the Probate Court
412 Administration Fund.

413 (e) Prior to such hearing, the Probate Court, such respondent or
414 such respondent's counsel or the commissioner shall be afforded access
415 to all records including, but not limited to, hospital records if such
416 respondent is hospitalized, and shall be entitled to take notes

417 therefrom. If such respondent is hospitalized at the time of the hearing,
418 the hospital, upon order of the Probate Court, shall make available at
419 such hearing for use by the respondent or his or her counsel all records
420 in its possession relating to the condition of the respondent. All records
421 relating to the condition of the respondent shall be admissible at the
422 request of any party or the Probate Court at the hearing. Nothing in
423 this subsection shall prevent timely objection to the admissibility of
424 evidence in accordance with the rules of civil procedure.

425 (f) The court shall cause a recording of the testimony at such hearing
426 to be made, to be transcribed only in the event of an appeal from the
427 order rendered. A copy of such transcript shall be furnished without
428 charge to any appellant whom the Probate Court finds unable to pay
429 for the same. The cost of such transcript shall be paid from the funds
430 appropriated by the Judicial Department, but, if funds have not been
431 included in the budget of the Judicial Department for such purposes,
432 the cost of such transcription shall be established by the Probate Court
433 Administrator and paid from the Probate Court Administration Fund.

434 (g) If the court, at such hearing, finds that vaccination of the
435 respondent is necessary and the least restrictive alternative to protect
436 and preserve the public health, the court shall order the respondent to
437 undergo vaccination, provided the court may order the isolation or
438 quarantine of any respondent who is unable or unwilling for reasons
439 of health, religion or conscience to undergo vaccination, for a period of
440 time sufficient to ensure such respondent is not able to infect or
441 contaminate others.

442 (h) If the court, at such hearing, fails to find that the conditions
443 required for an order for vaccination under subsection (a) of this
444 section have been proven, it shall vacate the order of vaccination.

445 (i) Any person aggrieved by an order of the Probate Court under
446 this section may appeal to the Superior Court. The appeal shall be
447 confined to the record, which shall consist of the transcript of the
448 hearing and all evidence received or considered by the Probate Court.

449 Sec. 7. (NEW) (*Effective from passage*) Notwithstanding any provision
450 of the general statutes, if the Governor has declared a public health
451 emergency pursuant to section 2 of this act, the Commissioner of
452 Public Health may authorize any qualified person, including, but not
453 limited to, any person licensed under chapter 379, 384 or 384d of the
454 general statutes, to administer vaccinations, if the commissioner
455 determines that such action is necessary to protect the health, safety
456 and welfare of the public. Such authorization shall be in writing, and
457 shall contain the categories of qualified persons included in the
458 authorization, any additional training required before performance of
459 the vaccination by such persons and the duration of the authorization.

460 Sec. 8. (NEW) (*Effective from passage*) The Commissioner of Public
461 Health, in consultation with the town, city, borough and district
462 directors of health and the director of emergency management, and the
463 chairpersons and ranking members of the joint standing committees of
464 the General Assembly having cognizance of matters relating to public
465 health, public safety and the judiciary, shall develop a plan for
466 emergency responses to a public health emergency. Before the
467 commissioner approves such plan, it shall be reviewed by a joint
468 legislative committee consisting of the president pro tempore of the
469 Senate, the speaker of the House of Representatives, the majority and
470 minority leaders of both houses of the General Assembly and the
471 cochairpersons and ranking members of the joint standing committees
472 of the General Assembly having cognizance of matters relating to
473 public health, public safety and the judiciary.

474 Sec. 9. (NEW) (*Effective from passage*) If the Governor declares a
475 public health emergency, the commissioner, in consultation with the
476 Chief Medical Examiner, may designate authorized personnel to
477 register death certificates as needed and carry out other duties related
478 to the registration of deaths, including, but not limited to, the issuance
479 of burial transit, removal and cremation permits.

480 Sec. 10. (NEW) (*Effective from passage*) In the case of a public health
481 emergency, neither the state nor any political subdivision of the state,

482 nor, except in cases of wilful or wanton misconduct, the agents or
483 representatives of the state or of any political subdivision thereof, nor
484 any public health authority, nor any person authorized by the
485 commissioner to comply with or attempting to comply with sections 1
486 to 9, inclusive, of this act, or with any order promulgated pursuant to
487 the provisions of sections 1 to 9, inclusive, of this act, shall be liable for
488 the death of or injury to persons. The Attorney General shall appear
489 for and defend the state, any political subdivision of the state and the
490 agents or representatives of the state or any political subdivision
491 thereof or any public health authority exempted from liability for acts
492 under this section in any civil action brought for the death of or injury
493 to persons or for damage to property as a result of any public health
494 emergency activity. The provisions of this section shall not apply if a
495 vaccination has been administered without consent.

496 Sec. 11. (NEW) (*Effective from passage*) (a) The commissioner may
497 issue an order to temporarily suspend, for a period not to exceed sixty
498 consecutive days, the requirements for licensure, certification or
499 registration, pursuant to chapters 368d, 370, 376, 378, 378a, 381a, 383 to
500 383c, inclusive, 384d, 385, 395, 400a and 400j of the general statutes, to
501 allow persons who are appropriately licensed, certified or registered in
502 another state or territory of the United States or the District of
503 Columbia, to render temporary assistance in managing a public health
504 emergency in this state, declared by the Governor pursuant to section 2
505 of this act.

506 (b) Nothing in this section shall be deemed or construed to relieve
507 such licensed, certified or registered person from liability for damages
508 for injuries or death caused by an act or omission on the part of such
509 person while rendering services in the ordinary course of such person's
510 employment or practice.

511 Sec. 12. Section 19a-221 of the general statutes is repealed and the
512 following is substituted in lieu thereof (*Effective from passage*):

513 [(a) For the purposes of this section, (1) "communicable disease"

514 means a disease or condition, the infectious agent of which may pass
515 or be carried, directly or indirectly, from the body of one person or
516 animal to the body of another person or animal; and (2) "respondent"
517 means a person ordered confined under this section.]

518 ~~[(b)]~~ (a) Any town, city, [or] borough or district director of health
519 may order any person [into confinement whom he] isolated or
520 quarantined whom such director has reasonable grounds to believe to
521 be infected with [any] a communicable disease [and any person who
522 intentionally or unintentionally harbors in or on the body amounts of
523 radioactive material sufficient to constitute a radiation hazard to others
524 and who is unable or unwilling to conduct himself in such manner as
525 to not expose other persons to danger of infection or irradiation
526 whenever] or to be contaminated, if such director determines such
527 person poses a substantial threat to the public health and [such action]
528 isolation or quarantine is necessary to protect or preserve the public
529 health, except that in the event the Governor declares a public health
530 emergency, pursuant to section 2 of this act, each town, city, borough
531 and district director of health shall comply with and carry out any
532 order the Commissioner of Public Health issues in furtherance of the
533 Governor's order pursuant to the declaration of the public health
534 emergency.

535 (b) (1) The director shall adhere to the following conditions and
536 principles when isolating or quarantining persons: (A) Isolation and
537 quarantine shall be by the least restrictive means necessary to prevent
538 the spread of a communicable disease or contamination to others and
539 may include, but not be limited to, confinement to private homes or
540 other private or public premises; (B) quarantined persons shall be
541 confined separately from isolated persons; (C) the health status of
542 isolated or quarantined persons shall be monitored frequently to
543 determine if they continue to require isolation or quarantine; (D) if a
544 quarantined person subsequently becomes infected or contaminated or
545 is reasonably believed to have become infected with a communicable
546 disease or contaminated, such person shall be promptly moved to
547 isolation; (E) isolated or quarantined persons shall be immediately

548 released when they are no longer infectious or capable of
549 contaminating others or upon the order of a court of competent
550 jurisdiction; (F) the needs of persons isolated or quarantined shall be
551 addressed in a systematic and competent fashion, including, but not
552 limited to, providing adequate food, clothing, shelter, means of
553 communication with those in isolation or quarantine and outside those
554 settings, medication and competent medical care; (G) premises used
555 for isolation and quarantine shall be maintained in a safe and hygienic
556 manner and be designed to minimize the likelihood of further
557 transmission of infection or other harms to individuals isolated or
558 quarantined; (H) to the extent possible without jeopardizing the public
559 health, family members and members of a household shall be kept
560 together, and guardians shall stay with their minor wards; and (I) to
561 the extent possible, cultural and religious beliefs shall be considered in
562 addressing the needs of persons and establishing and maintaining
563 premises used for quarantine and isolation.

564 [(c)] (2) The order by the director shall be in writing setting forth: (1)
565 The name of the person to be [confined] isolated or quarantined, (2) the
566 basis for the director's belief that the person has a communicable
567 disease or [harbors radioactive material, that the person] has been
568 contaminated and poses a substantial threat to the public health and
569 that [confinement] isolation or quarantine is necessary to protect or
570 preserve the public health, (3) the period of time during which the
571 order shall remain effective, (4) the place of [confinement] isolation or
572 quarantine that may include, but need not be limited to, private homes
573 or other private or public premises, as designated by the director, and
574 (5) such other terms and conditions as may be necessary to protect and
575 preserve the public health. Such order shall also inform the person
576 [confined that he] isolated or quarantined that such person has the
577 right to consult an attorney, the right to a hearing under this section,
578 and that if such a hearing is requested, he has the right to be
579 represented by counsel, and that counsel will be provided at the state's
580 expense if he is unable to pay for such counsel. A copy of the order
581 shall be given to such person. In determining the duration of the order,

582 the director shall consider, to the extent known, the length of
583 incubation of the communicable disease or contamination, the date of
584 the person's exposure and the person's medical risk of exposing others
585 to such communicable disease or contamination. Within twenty-four
586 hours of the issuance of the order, the director of health shall notify the
587 Commissioner of Public Health that such an order has been issued.
588 The order shall be effective for not more than [fifteen] twenty days,
589 provided further orders of confinement pursuant to this section may
590 be issued as to any respondent for successive periods of not more than
591 [fifteen] twenty days if issued before the last business day of the
592 preceding period of [confinement] isolation or quarantine.

593 [(d)] (c) A person ordered [confined] isolated or quarantined under
594 this section shall be [confined] isolated or quarantined in a place
595 designated by the director of health until such time as such director
596 determines such person no longer poses a substantial threat to the
597 public health or is released by order of a [court of competent
598 jurisdiction] Probate Court for the district in which such person is
599 isolated or quarantined. Any person who desires treatment by prayer
600 or spiritual means without the use of any drugs or material remedies,
601 but through the use of the principles, tenets or teachings of any church
602 incorporated under chapter 598, may be so treated during [his
603 confinement] such person's isolation or quarantine in such place.

604 [(e)] (d) A person [confined] isolated or quarantined under this
605 section shall have the right to a [court] hearing in Probate Court and, if
606 such person or [his] such person's representative requests a hearing in
607 writing, such hearing shall be held [within] not later than seventy-two
608 hours [of] after receipt of such request, excluding Saturdays, Sundays
609 and legal holidays. A request for a hearing shall not stay the order of
610 [confinement] isolation or quarantine issued by the director of health
611 under this section. The hearing shall be held to determine if (1) the
612 person ordered [confined] isolated or quarantined is infected with a
613 communicable disease or [harbors radioactive material] is
614 contaminated, (2) the person poses a substantial threat to the public
615 health, and (3) [confinement] isolation or quarantine of the person is

616 necessary and the least restrictive alternative to protect and preserve
617 the public health. The [Commissioner of Public Health] commissioner
618 shall have the right to be made a party to the proceedings.

619 [(f)] (e) Jurisdiction shall be vested in the court of probate for the
620 district in which such person resides or is [confined. The] isolated or
621 quarantined. The appeal shall be heard by the judge of probate for
622 such district, except that on motion of the respondent for appointment
623 of a three-judge court, the Probate Court Administrator shall appoint a
624 three-judge court from among the several judges of probate to conduct
625 the hearing. Such three-judge court shall consist of at least one judge
626 who is an attorney-at-law admitted to practice in this state. [The judge
627 of the court of probate having jurisdiction under the provisions of this
628 section shall be a member, provided such judge may disqualify himself
629 in which case all three members of such court shall be appointed by
630 the Probate Court Administrator.] Such three-judge court when
631 convened shall be subject to all of the provisions of law as if it were a
632 single-judge court. The [involuntary confinement] isolation or
633 quarantine of a person under this section shall not be ordered by the
634 court without the vote of at least two of the three judges convened
635 hereunder. The judges of such court shall designate a chief judge from
636 among their members. All records for any case before the three-judge
637 court shall be maintained in the court of probate having jurisdiction
638 over the matter as if the three-judge court had not been appointed.

639 [(g)] (f) Notice of the hearing shall be given the respondent and shall
640 inform [him] the respondent that [he or his] his or her representative
641 has a right to be present at the hearing; that [he] the respondent has a
642 right to counsel; that [he] the respondent, if indigent or otherwise
643 unable to pay for or obtain counsel, has a right to have counsel
644 appointed to represent [him] the respondent; and that [he] the
645 respondent has a right to cross-examine witnesses testifying at the
646 hearing. [If the court finds such respondent is indigent or otherwise
647 unable to pay for or obtain counsel, the court shall appoint counsel for
648 him, unless such respondent refuses counsel and the court finds that
649 the respondent understands the nature of his refusal. The court shall

650 provide such respondent a reasonable opportunity to select his own
651 counsel to be appointed by the court. If the respondent does not select
652 counsel or if counsel selected by the respondent refuses to represent
653 him or is not available for such representation, the court shall appoint
654 counsel for the respondent from a panel of attorneys admitted to
655 practice in this state provided by the Probate Court Administrator in
656 accordance with regulations promulgated by the Probate Court
657 Administrator in accordance with section 45a-77. The reasonable
658 compensation of appointed counsel for a person who is indigent or
659 otherwise unable to pay for counsel shall be established by, and paid
660 from funds appropriated to, the Judicial Department.] If the court finds
661 such respondent is indigent or otherwise unable to pay for counsel, the
662 court shall appoint counsel for such respondent, unless such
663 respondent refuses counsel and the court finds that the respondent
664 understands the nature of his or her refusal. The court shall provide
665 such respondent a reasonable opportunity to select his or her own
666 counsel to be appointed by the court. If the respondent does not select
667 counsel or if counsel selected by the respondent refuses to represent
668 such respondent or is not available for such representation, the court
669 shall appoint counsel for the respondent from a panel of attorneys
670 admitted to practice in this state provided by the Probate Court
671 Administrator. The reasonable compensation of appointed counsel
672 shall be established by and paid from funds appropriated to, the
673 Judicial Department, but, if funds have not been included in the
674 budget of the Judicial Department for such purposes, such
675 compensation shall be established by the Probate Court Administrator
676 and paid from the Probate Court Administration Fund.

677 [(h)] (g) Prior to such hearing, such respondent or [his] respondent's
678 counsel shall be afforded access to all records including, without
679 limitation, hospital records if such respondent is hospitalized. If such
680 respondent is hospitalized at the time of the hearing, the hospital shall
681 make available at such hearing for use by the [patient] respondent or
682 [his] the respondent's counsel all records in its possession relating to
683 the condition of the respondent. Nothing [herein] in this subsection

684 shall prevent timely objection to the admissibility of evidence in
685 accordance with the rules of civil procedure.

686 [(i)] (h) At such hearing, the director of health who ordered the
687 [confinement] isolation or quarantine of the respondent shall have the
688 burden of showing by clear and convincing evidence that the
689 respondent is infected with a communicable disease or [harbors
690 radioactive material] is contaminated and poses a substantial threat to
691 the public health and that [confinement] isolation or quarantine of the
692 respondent is necessary and the least restrictive alternative to protect
693 and preserve the public health.

694 [(j)] (i) If the court, [on] at such hearing, finds by clear and
695 convincing evidence that the respondent is infected with a
696 communicable disease or [harbors radioactive material] is
697 contaminated and poses a substantial threat to the public health and
698 that [confinement] isolation or quarantine of the respondent is
699 necessary and the least restrictive alternative to protect and preserve
700 the public health, it shall order (1) the continued [confinement]
701 isolation or quarantine of the respondent under such terms and
702 conditions as it deems appropriate until such time as it is determined
703 that [his] the respondent's release would not constitute a substantial
704 threat to the public health, or (2) the release of the respondent under
705 such terms and conditions as it deems appropriate to protect the public
706 health.

707 [(k)] (j) If the court, [on] at such hearing, fails to find that the
708 conditions required for an order for [confinement] isolation or
709 quarantine have been proven, it shall order the immediate release of
710 the respondent.

711 [(l)] (k) A respondent may, at any time, move the court to terminate
712 or modify an order made under subsection [(j)] (i) of this section, in
713 which case a hearing shall be held in accordance with this section. The
714 court shall annually, upon its own motion, hold a hearing to determine
715 if the conditions which required the [confinement or restriction]

716 isolation or quarantine of the respondent still exist. If the court, at a
717 hearing held upon motion of the respondent or its own motion, fails to
718 find that the conditions which required [confinement or restriction]
719 isolation or quarantine still exist, it shall order the immediate release of
720 the respondent. If the court finds that such conditions still exist but
721 that a different remedy is appropriate under this section, the court
722 shall modify its order accordingly.

723 [(m)] (l) Any person aggrieved by an order of the Probate Court [of
724 Probate] under this section may appeal to the Superior Court.

725 Sec. 13. Subsection (a) of section 28-11 of the general statutes is
726 repealed and the following is substituted in lieu thereof (*Effective from*
727 *passage*):

728 (a) During the existence of a civil preparedness or public health
729 emergency, as defined in section 1 of this act, the Governor may, in the
730 event of shortage or disaster making such action necessary for the
731 protection of the public, take possession (1) of any land or buildings,
732 machinery or equipment; (2) of any horses, vehicles, motor vehicles,
733 aircraft, ships, boats, rolling stock of steam, diesel or electric railroads
734 or any other means of conveyance whatsoever; (3) of any antitoxins,
735 pharmaceutical products, vaccines or other biological products; and (4)
736 of any cattle, poultry or any provisions for [man] persons or beast, and
737 any fuel, gasoline or other means of propulsion necessary or
738 convenient for the use of the military or naval forces of the state or of
739 the United States, or for the better protection of the welfare of the state
740 or its inhabitants according to the purposes of this chapter.

741 Sec. 14. Subsection (c) of section 45a-82 of the general statutes is
742 repealed and the following is substituted in lieu thereof (*Effective from*
743 *passage*):

744 (c) All payments from said fund authorized by sections 5-259, 17a-
745 77, 17a-274, 17a-498, 17a-510, 19a-221, section 3 of this act, section 6 of
746 this act, 45a-1 to 45a-12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to
747 45a-56, inclusive, sections 45a-62 to 45a-68, inclusive, 45a-74 to 45a-83,

748 inclusive, 45a-90 to 45a-94, inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to
749 45a-123, inclusive, 45a-128, 45a-130, 45a-131, 45a-133, 45a-152, 45a-175
750 to 45a-180, inclusive, 45a-199 and 45a-202, shall be made upon
751 vouchers approved by the Probate Court Administrator.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>

PH *Joint Favorable Subst.*

JUD *Joint Favorable*

GAE *Joint Favorable*